



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ADAM MICHAEL FENNE

Serial No. 09/428,395

Filed: **October 28, 1999**

For: **MATCHING OF A REDUCED
SPECTRUM LIGHTING
SOURCE WITH VIDEO
ENCODING PROGRAM
VARIABLES FOR INCREASED
DATA COMPRESSION
RATIOS**

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JAN 02 2002

Technology Center 2600

Group Art: 2713

Examiner: Howard Britton

**Revocation of Prior Power of Attorney,
Appointment of New Attorneys of Record and
Change of Correspondence Address**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pixelon.com, Inc. is the assignee of the entire right, title and interest in the above-identified application by virtue of the attached assignments, submitted to the U.S. Patent and Trademark Office on January 20, 2000, November 6, 2001 and November 19, 2001, and Statement under 37 CFR § 3.73(b). The undersigned, having express authority to represent Dante Pugliese, hereby revokes all powers of attorney heretofore given in the above-captioned application and appoints the attorneys listed below with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the U.S. Patent and Trademark Office connected therewith. This appointment is in accordance with the provisions of 37 C.F.R. § 3.73(b).

Jason C. Abair, Reg. No. 44,007
Ethan B. Andelman, Reg. No. 48,997
Michael J. Bell, Reg. No. 39,604
Luisa Bigornia, Reg. No. 45,974
Andrew S. Brenc, Reg. No. 45,534
Celine T. Callahan, Reg. No. 34,301
Kevin Cheatham, Reg. No. 48,766
Jenny W. Chen, Reg. No. 44,604
Robin C. Chiang, Reg. No. 46,619
Chris Comuntzis, Reg. No. 31,097
Thomas E. Coverstone, Reg. No. 36,492
James F. Davis, Reg. No. 21,072
Thomas M. Dunham, Reg. No. 39,965
Panpan Gao, Reg. No. 43,626
Darren J. Gold, Reg. No. 47,599
Alan M. Grimaldi, Reg. No. 26,599
J. Jay Guiliano, Reg. No. 41,810
Albert P. Halluin, Reg. No. 25,227
Leslie L. Jacobs, Jr., Reg. No. 40,659
Joel D. Voelzke, Reg. No. 37,957

Derek J. Jardieu, Reg. No. 44,483
Christopher L. Kelley, Reg. No. 42,714
Brian S.Y. Kim, Reg. No. 41,114
Viola T. Kung, Reg. No. 41,131
Robert C. Laurenson, Reg. No. 34,206
Joseph P. Lavelle, Reg. No. 31,036
Don F. Livornese, Reg. No. 32,040
Christopher A. Mathews, Reg. No. 35,944
Matthew J. Moore, Reg. No. 42,012
Andrew Y. Piatnicia, Reg. No. 40,772
William C. Rooklidge, Reg. No. 31,791
Michael J. Stimson, Reg. No. 45,429
William K. West, Reg. No. 22,057
Justin A. White, Reg. No. P-48,883
Adam K. Whiting, Reg. No. 44,400
Jayna R. Whitt, Reg. No. 47,175
Karen K. Wong, Reg. No. 44,409
Wallace Wu, Reg. No. 45,380
Matthew S. Zises, Reg. No. 47,246


Please address future correspondence to

Joel D. Voelzke
HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue, Box No. 34
Menlo Park, CA 94025

Direct Phone calls to Joel D. Voelzke at (949) 759-3955.

PIXELON.COM, INC.

Dated: 12/10/01

By: 
Dante Pugliese
President



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Statement Under 37 CFR § 3.73(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pixelon.com, Inc. is the assignee of the entire right, title, and interest in the above-identified application by the virtue of the assignments and related documents demonstrating transfer of title to the assignee, which are attached as exhibits hereto.

The chain of title from the inventor of the patent application to the current assignee is as follows:

1. **From:** David Kim Stanley aka Adam Michael Fenne **To:** Pixelon, Inc.
(by Assignment, attached as Exhibit 1. See also Exhibit 5, page 32)
2. **From:** Pixelon, Inc. **To:** Dante Pugliese
(by Bankruptcy Court order. See bankruptcy court documents attached as Exhibits 2-6)
3. **From:** Dante Pugliese **To:** Pixelon.com, Inc.
(by Assignment, attached as Exhibit 7)

A brief description of the Exhibits is given below for the convenience of the Office.

Exhibit 1: Assignment of the above-identified application from David Kim Stanley aka Adam Michael Fenne to Pixelon, Inc.

Exhibit 2: Notice of Motion to Confirm Sale of Intellectual Property, or in the Alternative, Authority to Sell Intellectual Property by Auction Pursuant to 11 U.S.C. §363(b)

Exhibit 3: Request for Judicial Notice in Support of the Trustee's Motion to Confirm Sale of Intellectual Property, or in the Alternative, Motion for Authority to Sell at Auction the Intellectual Property Pursuant to 11 U.S.C. §363(b) (Note especially page 16 ["Exhibit 1 Page 14"] individually listing the patent applications to be sold as part of the bankruptcy trustee's sale)

Exhibit 4: Order Granting Motion to Confirm Sale of Intellectual Property to Dante Pugliese

Exhibit 5: Debtor's Reply to David Kim Stanley aka Adam Michael Fenne, David Snyder, and Shelia Robertson's Objection to Motion for Authority to Obtain Secured Financing (Note especially the Assignment of Intellectual Property Rights Agreement beginning on page 32, transferring all interest in certain inventions from David Kim Stanley aka Adam Michael Fenne to Pixelon Inc.)

Exhibit 6: Recordation Form Cover Sheet, which was submitted for recordation on November 6, 2001 along with the documents that are attached as Exhibits 2-5 confirming the sale of intellectual property assets to Dante Pugliese

Exhibit 7: Assignment from Dante Pugliese to Pixelon.com, Inc., with Recordation Form Cover Sheet, as sent to PTO for recordation on November 19, 2001

Explanatory Narrative of Relevant Events Including the Bankruptcy Sale

Due to the unusual nature of the events affecting the chain of title of this patent application, the following explanatory narrative is provided to assist the Patent and Trademark Office in understanding those events.

The named inventor of the patents, Adam Michael Fenne, founded Pixelon, Inc. in 1998 and served as president and chairman of the board. During his tenure at Pixelon, Mr. Fenne applied for a number of patent applications. However, unbeknownst to Pixelon, Adam Michael

Fenne was merely an alias. Adam Michael Fenne was actually David Kim Stanley (“Stanley/Fenne”), a fugitive from justice. As Pixelon, Inc. was later informed, “in 1989, Stanley/Fenne pleaded guilty to over 50 counts of fraud and embezzlement in Virginia and Tennessee. Stanley/Fenne was ordered to pay restitution which reduced his lengthy prison sentence to eight years.” (Exhibit 5, page 4, lines 13-15). However, Stanley/Fenne fled in 1996 with only partial restitution paid. He was then placed on the Commonwealth of Virginia’s most-wanted list. Id. at lines 15-17.

It was after fleeing Virginia that Stanley/Fenne moved to California, assumed the name of Adam Michael Fenne, founded Pixelon, Inc., and developed certain innovations. Stanley/Fenne filed for a number of patent applications using the name Adam Michael Fenne, and assigned the inventions (see Exhibit 5, page 32) and subsequent patent applications (see Exhibit 1) to Pixelon, Inc. Stanley/Fenne’s true identity and background then came to light. On or about April 12, 2000, Stanley/Fenne surrendered to Virginia authorities. (See Exhibit 5, page 4, lines 10-21). Subsequently, Pixelon, Inc. went into involuntary Chapter 7 bankruptcy proceedings on April 24, 2000, which was later converted to a case under Chapter 11.

Pixelon, Inc.’s intellectual property was purchased at a bankruptcy auction sale by Dante Pugliese. Both Stanley/Fenne and one William Kelly challenged the validity of the sale. Exhibit 2 is the trustee’s motion to confirm the sale of the assets to Dante Pugliese. Exhibit 3 is an associated Request for Judicial Notice filed by the trustee in connection with the sale. The United States Bankruptcy Court for the Central District of California confirmed the sale to Dante Pugliese. In doing so, the court specifically rejected Stanley/Fenne’s and Kelley’s adverse claims to the intellectual property assets that were sold in the trustee’s sale. (See Exhibit 4, Order Granting Motion to Confirm Sale of Intellectual Property To Dante Pugliese). Thus, Dante Pugliese became by judicial order and declaration the assignee and sole owner of a number of patent applications, including the above-identified application. See Exhibit 3 which lists many of the assets sold, including the patent applications by serial number which are listed on page 16 [“Exhibit 1 Page 14”] of the Exhibit. The court stated in its order, “It is further ordered that the sale of the Trustee’s right, title and interest in the intellectual property described as the estate’s interest *in any and all intellectual property* including, but not limited to, computers containing the estate’s interest in its intellectual property relating to media compression and encoding,

playback software, viewer response technology, enhanced microsoft streaming technology, and individual streaming technology to *Dante Pugliese* for \$1,200 as is, where is, without representations or warranties is confirmed.” (Exhibit 4, page 2, lines 4-9).

Dante Pugliese then duly recorded in the United States Patent and Trademark Office his ownership of the intellectual property assets. Exhibit 6 is a copy of the Recordation Form Cover Sheet which, along with the documents that are attached as Exhibits 2-5, Dante Pugliese submitted for recordation on November 6, 2001, recording his ownership in the intellectual property assets.

Dante Pugliese is the President of Pixelon.com, Inc. Dante Pugliese assigned his rights in the above-identified patent application to Pixelon.com, Inc., which is now the assignee of the application. Pixelon.com, Inc. is a new entity, different from Pixelon, Inc. which was the original assignee from Stanley/Fenne. Pixelon.com, Inc. sent the assignment from Dante Pugliese to the PTO for recordation on November 19, 2001. (See Exhibit 7, Assignment to Pixelon.com, Inc. and Recordation Form Cover Sheet). Accordingly, all future correspondence regarding the above-identified application should be sent to the current assignee Pixelon.com, Inc.

The undersigned is informed that Stanley/Fenne has communicated with the PTO in an attempt to control these applications. Stanley/Fenne should not participate in the prosecution or receive further correspondence regarding the application. The termination of his rights to the intellectual property is evidenced above and in the court’s order stating, “[i]t is further ordered that the objections set forth in the opposition papers filed by William Kelly and David Kim Stanley are overruled.” (Exhibit 4, page 2, lines 2-3).

Certification

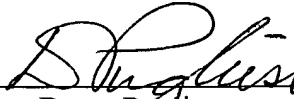
To the best of the undersigned's knowledge and belief, title of the patent application identified above is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

PIXELON.COM, INC.

Dated: 12/10/01

By: 
Dante Pugliese
President

Doc. #1726500